

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

TA'NIA WHITE,

Plaintiff,

v.

CITY OF AUSTIN,

Defendant.

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1:23-cv-940-DII

**ORDER**

Before the Court is the report and recommendation of United States Magistrate Judge Mark Lane concerning Defendant City of Austin Park & Recreation Department's<sup>1</sup> (the "City") motion to dismiss, (Dkt. 25). (R. & R., Dkt. 35). Plaintiff Ta'nia White ("White"), proceeding pro se, timely<sup>2</sup> filed objections to the report and recommendation. (Objs., Dkt. 47).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because White timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules White's objections and adopts the report and recommendation as its own order.

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<sup>1</sup> White purports to sue the City of Austin ("the City") and previously named City employees Liana Kallivoka ("Kallivoka") and D'Anne Williams ("Williams") as defendants. (Compl., Dkt. 1; Am. Compl., Dkt. 8; and Second Am. Compl., Dkt. 12 (naming Kallivoka but not Williams)). Other versions of the complaint name only the City. (Fourth Am. Compl., Dkt. 19; Fourth Am. Compl., Dkt. 22 (also styled "Fourth Amended Complaint")). Since those City employees were not included in the later amended versions of the complaint nor in the live complaint, (again styled "Fourth Amended Complaint," Dkt. 23), the Court proceeds as to the remaining claims against the City. In addition, out of an abundance of caution, the Court dismisses any claims against Kallivoka and Williams as voluntarily dismissed by White.

<sup>2</sup> To the extent that White missed her deadline for filing objections to the report and recommendation, the Court accepts White's late filing and deems her objections timely filed as White is proceeding pro se and receiving and filing documents by mail.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Mark Lane, (Dkt. 35), is **ADOPTED**.

**IT IS FURTHER ORDERED** that Defendants' motion to dismiss, (Dkt. 25), is **GRANTED**.

**IT IS FINALLY ORDERED** that White's claims related to sexual comments, constructive discharge, and being described as "aggressive" are **DISMISSED WITHOUT PREJUDICE** and all other claims are **DISMISSED WITH PREJUDICE**.

The Court will enter final judgment by separate order.

**SIGNED** on January 31, 2025.

A handwritten signature in blue ink, appearing to read "R. Pitman", is written above a horizontal line.

ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE